IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3955 OF 2004

Machhindra Sharadrao Bhosale ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. Vijay Patil, for the Applicant.

Mr. V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

4th October 2004

P.C.:

. Heard Counsel for the parties. The Applicant was arrested in connection with CR. No. 159/2004 registered with Phaltan Police Station for offence punishable under sections 379, 420, 467, 468 and 471 of the Indian Penal Code. The offence is triable by the Magistrate. It is also not in dispute that request for police custody was eventually turned down on 23rd August 2004 and since then the Applicant is in judicial

custody. Before the lower Court, the prosecution took stand that if the Applicant is to be released on bail, heavy surety be taken subject to condition that he will not tamper with the prosecution evidence or any over just and proper conditions. In the circumstances, the Applicant deserves to be enlarged on the following conditions.

a) The Applicant is released on bail in connection with CR.No. 159/2004 registered with Phaltan Police Station on executing personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) and one or two local sureties in the like amount.

b) The Applicant shall not tamper with the prosecution evidence or influence the prosecution witnesses in any maner whatsoever during the investigation or, for that matter, during the pendency of the trial. If such grievance is made, that can be a ground for cancellation of bail.

c) The Applicant shall report to the concerned investigating officer once a fortnight on Saturday between 11 a.m. to 2 p.m. or on such other day, time and place as the investigating officer may direct till the filing of the charge sheet.

d) The Applicant shall not leave the jurisdiction of the Baramati Taluka Police Station without prior intimation to the said police station as well as the investigating officer of Phaltan police station. In case the Applicant intends to leave the jurisdiction of Baramati Taluka Police Station for more than 24 hours, he shall send prior intimation as aforesaid.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)